

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

United States of America)	
)	Cr. No. 8:07-1107-HMH
vs.)	
)	OPINION & ORDER
Beryl J. Koenig,)	
)	
Movant.)	

This matter is before the court on Beryl J. Koenig’s (“Koenig”) pro se motion to reconsider, which the court construes as a motion pursuant to Rule 59(e) of the Federal Rules of Civil Procedure to alter or amend the court’s April 12, 2010 order (“April Order”) summarily dismissing Koenig’s motion pursuant to 28 U.S.C. § 2255.

A motion to alter or amend the judgment under Rule 59(e) may be made on three grounds: “(1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or prevent manifest injustice.” Hutchinson v. Staton, 994 F.2d 1076, 1081 (4th Cir. 1993). “Rule 59(e) motions may not be used, however, to raise arguments which could have been raised prior to the issuance of the judgment” Pac. Ins. Co. v. Am. Nat’l Fire Ins. Co., 148 F.3d 396, 403 (4th Cir. 1998). “In general reconsideration of a judgment after its entry is an extraordinary remedy which should be used sparingly.” Id. (internal citation and quotation marks omitted).

In her motion, Koenig reasserts the allegations made in her original motion pursuant to § 2255 and presents no new facts or evidence that alter the court’s original finding that her § 2255 motion is time barred and the principles of equitable tolling do not apply. Therefore, Koenig’s motion is denied.

Therefore, it is

ORDERED that Koenig's motion to alter or amend judgment, docket number 142, is denied. It is further

ORDERED that Koenig's motion for a hearing, docket number 138, is denied. It is further

ORDERED that Koenig's motion to take judicial notice, docket number 139, is denied. It is further

ORDERED that Koenig's motion for findings of fact and law on all claims, docket number 137, is denied.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
Senior United States District Judge

Greenville, South Carolina
April 29, 2010

NOTICE OF RIGHT TO APPEAL

The Movant is hereby notified that she has the right to appeal this order within sixty (60) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.